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10/585,086	05/27/2009	Hisashi Ohashi	09812.0108	7691
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				MONK, MARK T
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/585,086	OHASHI ET AL.	
	Examiner	Art Unit	
	MARK MONK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06/30/2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 10585086, filed on 11/04/2004.

Specification

2. The disclosure is objected to because of the following informalities: It is stated in the beginning of applicant's specification in paragraph 0070 "Also in FIG. 3(D)" the applicant is describing that "the user can display or hide the safety zone marker" which is shown in Fig. 3(E), not Fig. 3(D). Appropriate correction is required.

Claim Objections

3. Claim 7 is objected to because of the following informalities: The applicant states in claim 7 "generating N (N is 0 or larger integer) types of capture assist markers", however if N is 0 the no generating types of capture assist markers is performed. For purposes of examination the examiner has taken the claim 7 limitation to be "generating N (N is 1 or larger integer) types of capture assist markers". Appropriate correction is

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required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Soga et al U.S. Patent. No. 6,806,906.

Regarding claim 1 Soga et al discloses in Fig. 1 – 8, of applicant's An imaging apparatus (column 3, line 65 – 66 digital still camera 1) comprising: imaging means for imaging an object and outputting a video signal (column 4, line 59 - 67 and column 5, line 1 – 8 where the image of a subject is formed on the photoreceptor surface of an image sensing device 14 by the taking lens 13, an analog video signal representing the image of the subject is output to the analog video signal processing circuit 15, and whose signal output enters an analog/digital conversion circuit 16, which converts the signal to digital image data); generation means (assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image) for generating a

plurality of types of capture assist marks (assistance frames in ROM 18) to be synthesized (signal processing circuit 17 executes image combining processing of the assistance frame with the subject image) with a video signal output from the imaging means (subject image from image sensing device 14, column 4, line 40 – 41 where the overall operation of the digital still camera 1 is controlled by a CPU 21 and column 5, line 19 – 33 where digital still camera 1 contains a ROM 18 storing image data representing an assistance frame (assistance lines) for assisting the user in composing the subject which is read out and applied to the digital signal processing circuit 17 which executes image combining processing in such a manner that the assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image obtained by imaging camera 1);

Soga et al further discloses of applicant's synthesis means (digital signal processing circuit 17 combines assistance frame displayed on liquid crystal display device 9 in a form superimposed on the subject image) for synthesizing a capture assist mark (assistance frame) generated by the generation means (a users selects an assistance frame displayed on liquid crystal display device 9 such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image on liquid crystal display device) with the video signal from the imaging means (subject image from image sensing device 14); acceptance means (user operating commands from operating buttons on a control panel 20 accepted by CPU 21) for accepting instruction input about the capture assist

mark (CPU 21 accepts signals indicating operating commands from operating buttons on a control panel 20 such that a superimposed image is displayed on liquid crystal display device 9, column 4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 including shift button 10, display button 11, power switch 8, execute button 7, mode setting dial 4, and up, down, left, right button 5 and column 6, line 60 – 67 and column 7, line 1 – 12 where of an image of the subject is displayed on liquid crystal display device 9 (step 52), display button 11 is pressed again (i.e., for the second time) ("YES" at step 53), then the intersection-of-thirds assistance frame 31 is displayed in a form superimposed upon the captured image on liquid crystal display device 9 (FIG. 9, step 54) and if the left or right button of the up, down, left, right button 5 is pressed, other assistance frames are displayed on liquid crystal display device 9);

Soga et al further discloses of applicant's control means (CPU 21 controls the overall operation of the digital still camera 1) for controlling the generation means (a user selects an assistance frame displayed on liquid crystal display device 9 such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image on liquid crystal display device 9) and the synthesis means (digital signal processing circuit 17 combines assistance frame displayed on liquid crystal display device 9 in a form superimposed on the subject image) based on the instruction input accepted through the acceptance means (user operating commands from operating buttons on a control panel 20

accepted by CPU 21) and controlling a capture assist mark corresponding to the instruction input (CPU 21 controls subject image capture and digital signal processing circuit 17 combining and superimposing the assistance frame selected by the user on the subject image on liquid crystal display device 9) so as to be synthesized with the video signal (combining and superimposing the assistance frame on the subject image).

Regarding claim 5 of applicant's wherein the acceptance means can accept selection input of a capture assist mark generated at least from the plurality of types of capture assist marks. Claim 5 is rejected for the reasons found in claim 1 above where Soga et al discloses in column 4, line 40 – 41 where a CPU 21 and digital signal processing circuit 17 performs combining and superimposing an assistance frame (column 6, line 60 – 67 and column 7, line 1 – 12) selected by a user using operating buttons on a control panel 20 of the (column 5, line 19 – 33) many assistance frames stored in ROM 18 such that the subject image obtained by imaging camera 1 and the selected assistance frame are then displayed on liquid crystal display device 9.

Of claim 7, claim 7 is rejected for being fully encompassed by the rejection found in claim 1 above.

Regarding claim 11 of applicant's wherein the acceptance step accepts input for selecting a capture assist mark to be generated at least from a plurality of types of capture assist marks. Claim 11 is rejected for the reasons found in claim 7 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al U.S. Patent. No. 6,806,906 in view of Huang et al U.S. Publication No. 2004/0257458.

Regarding claim 2 Soga et al further discloses in Fig. 1 – 2, of applicant's selection input acceptance means (mode setting dial 4) for accepting selection input of a plurality of capture modes (selected shooting mode or set-up mode among various modes, column 4, line 12 – 19 where an index mark 6 indicates a selected shooting mode or set-up mode among various modes on the left side of the mode setting dial 4, see Fig. 2) to generate differently formatted video signals; and capture mode change means (mode setting dial 4) for controlling the imaging means (operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20) in accordance with the selection input (user selects the assistance frame using display

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button 11) accepted through the selection input acceptance means (display button 11, column 4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 including display button 11, mode setting dial 4, and up, down, left, right button 5 and column 4, line 40 – 41 where a CPU 21 and digital signal processing circuit 17 performs combining and superimposing an assistance frame (column 6, line 60 – 67 and column 7, line 1 – 12 selected by a user using operating buttons on a control panel 20 of the (column 5, line 19 – 33) many assistance frames stored in ROM 18) and enabling a selected capture mode, wherein the control means (column 4, line 40 – 41 where CPU 21 controls the overall operation of the digital still camera 1) controls the generation means (a users selects an assistance frame displayed on liquid crystal display device 9 such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image on liquid crystal display device 9) so as to generate the capture assist mark (assistance frame) in accordance with a selected capture mode;

Soga et al discloses a multi mode camera with a display showing a synthesizing image of a captured image with a user selected composition assistance frame but does not expressively disclose that the capture modes can generate differently formatted video signals; enabling a selected capture mode, wherein the control means controls the generation means so as to generate the capture assist mark in accordance with a selected capture mode (differently formatted video signals);

Huang et al teaches a method of controlling capturing an image to a user selected aspect ratio of the many aspect ratios. Huang et al teaches of Fig. 1 – 3, of applicant's capture modes (an image frame captured by the user entering a command so as to pick from a plurality of preset ratios) can generate differently formatted video signals (plurality of preset ratios, paragraph 0025 where an image frame to be captured is viewed via a viewfinder 10 or a planar liquid crystal display 11 is provided by the user who has enter a command to input interface 20 so as to pick the desired aspect ratio from a plurality of preset ratios); enabling a selected capture mode (micro-controller 21 captured the image frame aspect set by the user), wherein the control means (micro-controller 21) controls the generation means (micro-controller 21 controls the captured image frame to a user set aspect) so as to generate the capture assist mark in accordance with a selected capture mode (user input so as to pick the desired aspect ratio from a plurality of preset ratios, paragraph 0026 where a micro-controller 21 has the image frame captured by the photoelectric converting device 13 to be marked in a specific pattern in response to the aspect-ratio-related command entered by the user via the input interface 20);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with a display showing a synthesizing image of a captured image with a user selected composition assistance frame as disclosed by Soga et al with a method of controlling capturing an image to a

user selected aspect ratio of the many aspect ratios as taught by Huang et al so as to provide a view-finding method and device capable of adjusting the aspect ratio of a frame viewed according to the desired photo specification set by the devices user.

Regarding claim 3 the combination of Soga et al in view of Huang et al teaches in claim 2 above of applicant's selection input acceptance means (Soga et al, column 4, line 45 – 50, mode setting dial 4) for accepting selection input of a plurality of capture modes (Soga et al, column 4, line12 - 19, selected shooting mode or set-up mode among various modes) to generate (Huang et al, paragraph 0025 the image frame captured by the user entering a command so as to pick from a plurality of preset ratios) differently formatted video signals (Huang et al, paragraph 0025 plurality of preset ratios); and capture mode change means (Soga et al, column 4, line 45 – 50, mode setting dial 4) for controlling the imaging means (Soga et al, column 4, line 45 – 50, operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20) in accordance with the selection input (Soga et al, column 6, line 60 - 67 and column 7, line 1 - 12, user selects the assistance frame using display button 11) accepted through the selection input acceptance means (Sosa et al, display button 11) and enabling a selected capture mode (Huang et al, paragraph 0026 micro-controller 21 captured the image frame aspect set by the user),

Of the combination of Soga et al in view of Huang et al, Huang et al further teaches of Fig. 3(a) and 3(b), of applicant's wherein the control means (micro-controller

21) controls whether or not to synthesize a capture assist mark (micro-controller 21 marks the image frame in a specific pattern to the user selected aspect ratio unless the image frame aspect ratio of 3 by 4 is selected by the user (no darkened portion is required to be shown in LCD 11, ie., the LCD 11 aspect ratio)) generated by the generation means (micro-controller 21 controls the captured image frame to a user set aspect) in accordance with a selected capture mode (user selected aspect ratio from a plurality of predetermined aspect ratios, paragraph 0027 where a plurality of predetermined aspect ratios (4 by 3, 5 by 3, 6 by 4, etc.) are provided for selection via the input interface 20 (set by the user) such that micro-controller 21 marks the image frame in a specific pattern to the selected aspect ratio (selected by the user, example, image frame 30 displayed on LCD 11 is marked with a bright and dark portion to show a desired frame portion 301 and an undesired frame portion 302),, however if the aspect ratio of the image frame captured by the digital still camera 1 is not to be adjusted, the aspect ratio 3 by 4 is selected and no darkened portion is required.

Regarding claim 8 of applicant's accepting selection input of a plurality of capture modes to generate differently formatted video signals; and controlling the imaging means in accordance with the selection input accepted through the selection input acceptance means and enabling a selected capture mode, wherein the generation step controls generation of the capture assist mark in accordance with a selected capture mode. Claim 8 is rejected for the reasons found in claim 2 above.

Regarding claim 9 of applicant's accepting selection input of a plurality of capture modes to generate differently formatted video signals; and controlling the imaging means in accordance with the selection input accepted through the selection input acceptance means and enabling a selected capture mode, wherein the synthesis step controls synthesis of the capture assist mark in accordance with a selected capture mode. Claim 9 is rejected for the reasons found in claim 3 above.

8. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al U.S. Patent. No. 6,806,906 in view of Huang et al U.S. Publication No. 2004/0257458 as applied to claim 1 above, and further in view of Ito et al U.S. Patent No. 7,511,742.

Regarding claim 4 the combination of Soga et al in view of Huang et al teaches of applicant's a plurality of output terminal unit which use different formats to output video signals output from the imaging means, wherein the generation means (Soga et al, column 5, line 19 – 33 assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image) generates the capture assist marker (Soga et al, column 5, line 19 – 33 assistance frames in ROM 18) in accordance with a format (Huang et al, paragraph 0027 where micro-controller 21 marks the image frame in a specific pattern to the selected aspect ratio selected by the user) of the video signal to be supplied to each of the plurality of output terminal units; and wherein the synthesis means synthesizes the corresponding capture assist mark (Soga et al, column 5, line 19

– 33 digital signal processing circuit 17 combines assistance frame displayed on liquid crystal display device 9 in a form superimposed on the subject image) with the video signal to be supplied to each of the plurality of output terminal units;

The combination of Soga et al in view of Huang et al teaches a multi mode camera with a display showing a synthesizing image of a captured image having a user selected composition assistance frame and capturing an image to a user selected aspect ratio of the many aspect ratios but do not expressively teach a plurality of output terminal unit which use different formats to output video signals output from the imaging means; a format of the video signal to be supplied to each of the plurality of output terminal units;

Ito et al teaches outputting a video signal to many output terminals. Ito et al teaches of Fig. 1 and 2, of applicant's a plurality of output terminal unit (video output terminal 66 having 4:3 or wide TV output signals and external memory interface 50 to store YC signal in memory card 52) which use different formats (4:3 or wide TV analog output signals and digital output signal into memory card 52) to output video signals output from the imaging means (object image output from CCD 24 in digital camera 10, column 9, line 17 – 43 where a television set having an aspect ratio of the display region of 4:3 or a wide TV can be connected to the video output terminal 66 of digital camera 10. CPU 40 in digital camera 10 selectively generates data having a 24 MHz clock signal frequency to the video output terminal 66 for a conventional TV (4:3) and data

having a 27 MHz clock signal frequency to the video output terminal 66 for a wide TV. In column 11, line 50 – 56 where after an image is captured the YC signal stored in the memory 48A is compressed with a predetermined compression format in the compression/expansion processing circuit 54 and then recorded in the memory card 52 through the external memory interface 50. In column 7, line 44 – 49 where an analog signal representing the object image output from the CCD 24 is subjected to a predetermined analog to digital signal processing);

Ito et al further teaches of applicant's a format of the video signal (4:3 or wide TV analog output signals and digital output signal into memory card 52) to be supplied to each of the plurality of output terminal units (video output terminal 66 and external memory interface 50 receiving 4:3 or wide TV analog output signals and digital output signal into memory card 52 respectively);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with a display showing a synthesizing image of a captured image having a user selected composition assistance frame and capturing an image to a user selected aspect ratio of the many aspect ratios as taught by the combination of Soga et al in view of Huang et al with outputting a video signal to many output terminals as taught by Ito et al so as to provide a digital camera and image signal generating method of simple configuration capable of: generating an image signal for displaying an object image and additional information of a display

component and supplying the image signal to the connected external display device.

Regarding claim 10 of applicant's wherein there is provided a plurality of output terminal units to output a video signal corresponding to the video signal captured by the imaging means; wherein the generation step generates a capture assist mark in accordance with a format of the video signal supplied to each of the plurality of output terminal units; and wherein the synthesis step synthesizes the corresponding capture assist mark with the video signal to be supplied to each of the plurality of output terminal units. Claim 10 is rejected for the reasons found in claim 4 above.

9. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al U.S. Patent. No. 6,806,906 in view of Huang et al U.S. Publication No. 2004/0257458 as applied to claim 1 above, and further in view of Ejima U.S. Patent No. 6,188,432.

Regarding claim 6 of the combination of Soga et al in view of Huang et al, Soga et al further discloses of applicant's a change input acceptance means for directly accepting input for a change between displaying and hiding the plurality of capture assist marks (assistance frames in ROM 18) as a whole generated by the generation means (assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image, column 5, line 19 – 33 where digital still camera 1 contains a ROM 18 storing image data representing an assistance frame (assistance

lines) for assisting the user in composing the subject which is read out and applied to the digital signal processing circuit 17 which executes image combining processing in such a manner that the assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image obtained by imaging camera 1); and change control means for changing between displaying and hiding the plurality of capture assist marks (assistance frames in ROM 18) as a whole in accordance with the change input accepted through the change input acceptance means;

The combination of Soga et al in view of Huang et al teaches a multi mode camera with a display showing a synthesizing image of a captured image having a user selected composition assistance frame and capturing an image to a user selected aspect ratio of the many aspect ratios but do not expressively teach a change input acceptance means for directly accepting input for a change between displaying and hiding the plurality of capture assist marks as a whole generated by the generation means; and change control means for changing between displaying and hiding the plurality of capture assist marks as a whole in accordance with the change input accepted through the change input acceptance means;

Ejima teaches the function of a user turning on an image from memory overlaying another image in a display and turning off the image from memory overlaying another image in a display. Ejima teaches of Fig. 1 – 4, of applicant's change input acceptance means (switch icon "ON/OFF") for directly accepting input (user input) for a

change between displaying and hiding (ON/OFF) the plurality of capture assist marks as a whole generated by the generation means (column 4, line 64 – 67 and column 5, line 1 - 7 where a user creates a line drawing and CPU 36 stores the line drawing in memory card 24 and column 11, line 13 – 27 where a user selects whether the line drawing in memory card 24 is displayed on the LCD 6 at all by a switch (an icon with the words "ON/OFF") displayed on the LCD 6 (see FIGS. 9A)); and change control means (switch icon "ON/OFF") for changing between displaying and hiding (ON/OFF) the plurality of capture assist marks as a whole in accordance with the change input (user input) accepted through the change input acceptance means (switch icon "ON/OFF" displays line drawing on the LCD 6 in the ON state and does not display the line drawing on the LCD 6 in the OFF state);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with a display showing a synthesizing image of a captured image having a user selected composition assistance frame and capturing an image to a user selected aspect ratio of the many aspect ratios as taught by the combination of Soga et al in view of Huang et al with the function of a user turning on an image from memory overlaying another image in a display and turning off the image from memory overlaying another image in a display as taught by Ejima so as to be able to display and not display by a user command an image stored in memory and an object image together by superimposing the stored image onto the object image.

Regarding claim 12 of applicant's accepting input for a change between displaying and hiding the plurality of capture assist marks as a whole generated at the generation step; and changing between displaying and hiding the plurality of capture assist marks as a whole in accordance with the change input accepted at the change input acceptance step. Claim 12 is rejected for the reasons found in claim 6 above.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK MONK whose telephone number is (571) 270-7454. The examiner can normally be reached on Monday thru Friday 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/
Supervisory Patent Examiner, Art
Unit 2622

M. M.
Examiner, Art Unit 2622